



Jon M. Huntsman, Jr.
Governor
Mary Lou Emerson
Director
Monica Taylor
USAUV Assistant

State of Utah

Utah Substance Abuse and Anti-Violence Coordinating Council

East Capitol Complex, Suite 330 • Salt Lake City, Utah 84114
801-538-1031 • Fax: 801-538-1024 • www.usaav.utah.gov

Meeting Minutes

UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL

Wednesday, November 16, 2005

12:00 p.m. – 2:00 p.m.

Governor's Mansion – Ballroom

Members Present: Fotu Katoa, Mark Payne, Harold Morrill, Verne Larsen, William Cox, Dan Maldonado, Terry Russo, Mike Kwan, Rick Schwermer (for Dan Becker), Gary Jorgensen, Brent Kelsey, JoAnn Seghini, Kirk Torgensen, Dale Schipaanboord, Karen Watkins, Sherm Watkins, Merrill Carter, Senator Chris Buttars, Anna Kay Waddoups

Members Excused: Dan Becker, Craig Harrison, Dick Melton, Louis Callister, Michele Christiansen, Paul Tittensor, Paula Price, Scott Duncan

Guests: Doug Murakami, Jack Tanner, Debbie Headden, Derek Byrne, Ray Wahl, Susan Burke, Ken Hansen, Deborah Davidson, Peg Stewart, Becky Barnett, Gary Dalton, Larry Lunt, David Corwin, Earl Dorius, Helen Buttars

CCJJ Staff: Mary Lou Emerson, Monica Taylor

Agenda Item: Welcome, Introductions, and Chair's Report

- **Approval of September 14, 2005 Minutes**

Motion: Merrill Carter made a motion to approve the meeting minutes of September 14, 2005. The motion was seconded by Mike Kwan and was unanimously approved.

Agenda Item: Proposed Legislation: Utah Child Abuse Prevention Board

David Corwin reported that the Utah Child Abuse Prevention Board bill was entered into last year's legislative session as house bill 115, it was passed unanimously by the house and almost got prioritized for funding; but did not make it because time ran out. This year it is being introduced has a Committee bill; it passed unanimously in the Child Welfare Legislative Oversight Committee and the Health and Human Services Committee. This bill is not yet numbered but if you are interested in reading the full-length bill it has been emailed to Mary Lou Emerson. Representative Paul Ray and Senator Dan Eastman are the primary sponsors of this bill.

This bill came out of the Utah Child Abuse Prevention Task Force which was charged by the DCFS Board to look at the state of child abuse and neglect in Utah, current programs to prevent child abuse, national information about the harms associated with child abuse, and to talk with children's trust funds from other states where the trust funds have been particularly successful in expanding the resources available for child abuse prevention.

Among the recommendations from the task force was to restructure what has been called the children's trust account, which are in all states but are usually called the children's trust fund. In Utah, this legislation is about twenty years old and was written at a time where we didn't really understand the incidents and how wide spread the problem of child abuse is. The recommendation that came from the task force was to restructure the children's trust fund and have a board of government that would be a partnership between state government and members of the community as reflected in membership.

Motion: Merrill Carter made a motion to support the concept of this bill. The motion was seconded by Mayor JoAnn Seghini and was unanimously approved.

Agenda Item: Salt Lake County Criminal Justice Services Perinatal Pilot Program

Gary Dalton mentioned that it was fortuitous that we sang happy birthday to Susan Burke and that she is here today. Susan was in charge of the USAAV process's that coordinated what to do with drug endangered unborn children; we were involved in a statewide committee that was put together to discuss this issue we met for a number of months and decided in November to do a pilot program. The Committee mentioned some of the things that drove this issue were not only the concerns for pregnant women and their unborn children but also the concerns that there might be legislation forthcoming or discussed in interim session dealing with taking away children as a form of getting compliance with treatment or having some way to criminally prosecute those who have drug endangered children. That Committee was quite adamant that that would not be a good idea and in fact the more criminal intent we put behind women who were using drugs and then having unborn children at that time would in fact drive that behavior underground that they would hide from the treatment and criminal justice system. With this in mind Salt Lake County took on a challenge to host a drug endangered unborn child pilot program, this programs purpose is to engage women who had been sentenced to Drug Court who were pregnant or became pregnant in the course of their Drug Court to see if we could get better outcomes for them as pregnant women than we were getting for other women in a program or for the general Drug Court population.

Becky Barnett put together a summary of the pilot project for this past year and went over some of the highlights from that summary. She reported that in December of 2004 they put together a Salt Lake County Drug Endangered Unborn Children Committee. The purpose of this Committee was to get a group of community individuals together to talk about this issue, set-up a protocol, and come up with goals to help perinatal women that were struggling and trying to maintain abstinence from drug and alcohol abuse. Salt Lake County put together a perinatal program and kept it very small and focused, so the criteria was specifically for felony drug court clients. They had one case manager that managed the case load specifically for perinatal women and she also developed a two-hour preinatal group where the first hour was psychoeducational and the second hour was a craft session so they were able to bond during that time. Becky also mentioned that because of the strict criteria they only had twelve women who participated in the program, some of the goals for this next year is to expand the criteria so were not only dealing with felony drug court clients but all the drug courts both misdemeanor and felony, mental health court clients, and all clients at Criminal Justice Services. The primary goal for next year will be to have a prevention approach, we want to help prevent women from delivering baby's that are born positive for drugs and do outreach.

Agenda Item: Proposed Legislation: Alcoholic Beverage Amendments – Eliminating Alcohol Sales to Youth

Larry Lunt referred the Council to the E.A.S.Y. packet that was handed out to each of them and reported that they believe that there is a way to intervene and to make a difference. He went over the summary on what this legislation is intended to do and mentioned that underage drinking grammatically effects the development of adolescent brain. Forty percent of children who start to drink at or before the age of fifteen will become alcoholics, the younger they start drinking the greater likelihood is that their going to be impacted for the rest of their lives. Larry recognized the Salt Lake Valley conference of mayors for the support they have given on this bill.

Earl Dorius explained that the bill really has two dimensions, first it focuses on youth access to alcohol in grocery and convenience stores and secondly, the need to educate parents, adults, and youth through a series of statewide media campaigns on the dangers of alcohol to youth. What we are going to do to address the problems with the grocery and convenience stores is first of all create a mandatory and standardized employee alcohol service training by store clerks and their direct supervisors. The next feature is State funding to reimburse local law enforcement agencies that conduct random compliance checks, using underage youth to attempt to purchase alcohol. These compliance checks are currently being done under the guidelines of title 77-39-101 we are proposing to amend that statute to allow up to four random

compliance checks for alcohol in addition to four random checks for tobacco, currently it allows for four between the two. More importantly we provide a state source of funding to reimburse local law enforcement agencies to conduct these compliance checks, it also provides funding for the costs associated with administering the compliance check program. These funds will come from an increase in the allocation to the Alcohol Beverage Enforcement and Treatment restricted account; we are not going to take anything away from that restricted account. What they are proposing is that they increase the amount from the beer tax going into that restricted account to cover the cost of this program. The E.A.S.Y. bill increases the amount by twenty percent, one fourth of that would go toward the compliance checks and three fourths going toward creating statewide media campaigns. Local law enforcement agencies will submit their request for reimbursements to the Highway Safety Office and that office will provide this committee with annual reports of the statistics on the compliance checks.

Another feature is statewide uniform administrative penalties for selling beer to minors by grocery and convenience stores and their employees.

Motion: Mayor JoAnn Seghini made a motion to support the concept of this bill keeping in mind there could be changes. Harold Morrill seconded the motion and was unanimously approved.

Agenda Item: Committee Reports

- **DUI Committee**

- **2005 Annual Report to the Legislature**

- Anna Kay Waddoups reported that Mary Lou Emerson presented this report to the legislature a couple weeks ago and did a great job.

- **Proposed Legislation: Driving Under the Influence**

- Anna Kay reported that their major concern is legislation that deals with interlocks and there has been a study group that has worked on this legislation and these are the recommendations they have come up with. She pointed the Council to the Driving Under the Influence Amendments legislation in their packets and told the Council that basically this bill prohibits an interlock restricted driver from operating or being in actual physical control of the vehicle without an ignition interlock system. It requires a police officer to warn a person who has been placed under arrest for refusing to submit to a chemical test for alcohol or drugs that a refusal may result in a three-year prohibition of driving without an ignition interlock device. This bill has passed unanimously and will go forward. Anna Kay also mentioned that on the E.A.S.Y. legislation that was just endorsed by the Council, the DUI Committee had seen a presentation on this but had not yet seen any written legislation for this bill and will go over this bill at their next meeting.

Motion: Merrill Carter made a motion to support the proposed Driving Under the Influence legislation. The motion was seconded by Judge Kwan and was unanimously approved.

Mary Lou Emerson reported that the Council did not get a draft copy of the proposed legislation in their packets that would deal with Driving Under the Influence of Marijuana and the reason why is that there is still discussion on what is going to happen and how broad this bill will be. Senator Walker has or will be opening a bill file and will also be sponsoring the Driving Under the Influence Amendments. The concept behind this bill and it will either be marijuana or controlled substances in general, is in the past year there was an accident in Utah that involved a young woman on a bicycle that was hit by someone who had marijuana in his system. The statute currently says that it is illegal to drive with any active controlled substance in the system and that it is a Class B Misdemeanor. If there is any serious bodily injury or death caused it can be moved to a Class A Misdemeanor. Senator Walker is very interested as the statewide association of prosecutors that the penalties don't match the crime and it is very difficult to get it has a DUI charge because it is virtually impossible to prove being under the influence when it

is marijuana and other controlled substances. What is going to be proposed with this bill is that the penalty when the result is serious bodily injury or death be raised to a third degree felony.

Motion: Anna Kay Waddoups made a motion to support the Driving Under the Influence of Marijuana bill in concept. The motion was seconded by Senator Buttars and was unanimously approved.

- **Alcohol Funds Reports and USAAV Policy**

Mary Lou reviewed the summary of the Alcohol Funds Annual reports with the Council and reported that of the 159 Cities, Towns, and Counties that received over \$1,000 and are required to submit a report to USAAV, 149 have turned in their reports and 10 have not. She also reported that at the December 8, 2004 meeting the USAAV Council passed a motion to hold the funds of those that do not report by Friday, December 10th at 5:00 p.m. and to next year give notice that any city or county that does not submit a report by the October deadline will be required to apply for the money. The motion was seconded and unanimously approved.

Mary Lou reported that each city and county did receive notice of this policy, which is in place, and in the statute it reads that the USAAV Council by majority vote may suspend future payments if the city or county does not file a report. Mary Lou asked the Council if this is what they want to happen and do we want to give these 10 another chance. If we withhold this money what we can do is give this money out to the local agencies, Department of Public Safety, or there are several things in the statute that we are permitted to do. The Council discussed this issue.

Motion: Senator Buttars made a motion to withhold the funds and have them reapply for them. The motion was seconded by Judge Kwan and was passed unanimously.

Mayor Seghini volunteered to call the cities that have not turned in their reports and let them know that they are delinquent and that they will need to reapply for their funds. Commissioner Cox also volunteered to call the counties that have not turned in their reports.

Mary Lou mentioned that there is not a process for reapplying for their funds at this time that one would have to be developed. The city or county that would reapply for their money would have to turn in their delinquent report in order to be eligible.

Motion: Judge Kwan made a motion to have an application process for the funds and open it to not only those who are delinquent but to the other entities that are in the statute. Commissioner Cox made an amendment to the motion that the cities and counties that are delinquent and reapply for funds will have to turn in their delinquent FY05 report as part of the reapplication process. The motion was seconded by Senator Buttars and was passed unanimously.

- **DORA Update**

- **Proposed Revisions to Implementation Guidelines**

Mary Lou reviewed the proposed revisions to the Implementation Guidelines.

Motion: Judge Kwan made a motion to accept the revisions. The motion was seconded by Harold Morrill and was unanimously approved.

- **Annual Report to The Legislature**

Mary Lou reported that the statute that was passed as Senate Bill 104 requires the USAAV Council to submit an annual report to the Legislature, the Health and Human Services

Committee, and the Law Enforcement and Criminal Justice Committee updating them on the DORA project. This year both Committees' asked that we submit a written report only and we were present in case of any questions. Health and Human Services had a very full agenda and did not get to this item and they don't meet next month. We were first on the agenda in Senator Buttars Committee and the members of the Committee were very interested in hearing about it and asking questions but because they had a tight agenda as well we didn't get to spend a lot of time on it; we did not deal with numbers in the report just the process for getting the project started, the guidelines, and the appropriations that will be going back to the Legislature this year.

- **Update on Salt Lake County Pilot Study**

Mary Lou thanked Deborah Davidson for the updated pie chart and reported that as of Monday of this week we have 20 offenders ordered into the DORA project, 44 that are pending, 22 were disqualified because of being sentenced to more than 90 days in jail, 5 INS holds, 9 were disqualified because they were already in treatment or did not qualify for treatment, and 7 that were originally excluded because their LSI scores were too low.

Agenda Item: 2006 USAAV Legislative Priorities

Gary Jorgensen went over the potential 2006 USAAV Legislative priorities.

Motion: Harold Morrill made a motion to support the Domestic Violence and Dating Violence Amendments bill. The motion was seconded by Verne Larsen and was unanimously approved.

Motion: Anna Kay Waddoups made a motion to support the Amendments to Indoor Clean Air Act. The motion was seconded by Commissioner Cox and was unanimously approved.

Motion: Senator Buttars made a motion to support the Drug Offender Reform Act – Pilot Program. The motion was seconded by Harold Morrill and was unanimously approved.

Motion: Harold Morrill made a motion to support the Drug Courts legislation. The motion was seconded by Mark Payne and was unanimously approved.

Agenda Item: Presentation of 2005 USAAV Governor's Awards

First Lady Mary Kaye Huntsman presented the 2005 USAAV Governor's Awards to Senator Chris Buttars, Susan Burke and Deborah Davidson and thanked them for all of their work on the DORA project. She also thanked the Council for all that they do to help the community.

Agenda Item: Next Meeting

The next USAAV Meeting is scheduled for January 11, 2006, from 12:00 p.m. to 2:00 p.m., at the East Capitol Building in the Beehive Room.